

SPECIAL CIVIL APPLICATION No 6211 of 1999

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order madeJJJJJ

PRATAPSIKH HARISIKH ZALA

MR GK RATHOD for Respondent No. 1

Heard learned Counsel for the parties. The respondent was employed as driver in the petitioner corporation. He was found guilty of remaining absent without leave for three and half months in the

Departmental proceedings and was dismissed from service. The Labour Court has allowed the reference and ordered the respondent to be reinstated with 25% of backwages. It is stated at the bar that the respondent has already been reinstated in service. Having heard the submissions made by the learned Counsel for the respective parties, I am of the opinion that in the facts and circumstances of the case some punishment and reduction in backwages is called for. Accordingly stoppage of one increment with future effect is ordered to be imposed and instead of 25% the respondent shall be entitled to 10% backwages. The respondent will be entitled to full wages from the date of publication of the award. The petitioner shall comply with the monetary part of the award within three months. Rule made absolute accordingly. No order as to costs.

m.m.bhatt